

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GLOBAL GROUND AUTOMATION,
INC.,

Plaintiff,

v.

GROUNDREZ, LLC,

Defendant.

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C.A. No. 6:08-cv-374

JURY TRIAL DEMANDED

**GLOBAL GROUND AUTOMATION, INC.'S
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Global Ground Automation, Inc. for its complaint against GroundRez, LLC alleges and states as follows:

PARTIES

1. Plaintiff Global Ground Automation, Inc. ("GGA" or "Plaintiff") is a Delaware corporation with its principal place of business located at 401 Hackensack Avenue, 4th Floor, Hackensack, New Jersey 07601. GGA designs and develops technology that automates the reservation process for the ground transportation industry.

2. Upon information and belief, Defendant GroundRez, LLC ("GroundRez" or "Defendant") is a Delaware foreign limited liability company with its principal place of business located at 92 Horatio Street 1A, New York, New York 10014. GroundRez develops products for administering ground transportation services.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over GroundRez, because GroundRez conducts business, offers for sale or license, and sells or licenses its products in the State of Texas and in this judicial district, and has committed acts of patent infringement in this district.

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b), because GroundRez is subject to personal jurisdiction in this judicial district, has regularly conducted business in this judicial district, and has committed acts of patent infringement in this judicial district.

GGA'S PATENT

6. GGA is the true and lawful owner of U.S. Patent No. 5,953,706 (the "'706 Patent"), entitled "Transportation Network System," which duly and legally issued on September 14, 1999. A true and correct copy of the '706 Patent is attached hereto as Exhibit A.

GROUNDREZ'S INFRINGING PRODUCTS

7. GroundRez has made, used, offered to sell, sold, and/or imported, and/or is presently making, using, offering to sell, selling, and/or importing, products and services providing online ground travel management solutions, including but not limited to GroundRez Global Distribution System Tools and GroundRez Corporate Booking Tools (collectively, "Infringing Products").

8. Upon information and belief, the Infringing Products have been and continue to be offered for sale in Texas and throughout this district.

COUNT ONE
INFRINGEMENT OF THE '706 PATENT

9. GGA repeats and incorporates by reference the allegations of paragraphs 1-8 as though fully set forth herein.

10. Upon information and belief, GroundRez has made, used, offered to sell, sold, and/or imported, and/or is presently making, using, offering to sell, selling, and/or importing, the Infringing Products. The Infringing Products infringe one or more claims of the '706 Patent. By the acts complained of herein, GroundRez has infringed and continues to infringe the '706 Patent, either literally or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

11. Furthermore, upon information and belief, GroundRez has contributed to and/or induced, and will continue to contribute to and/or induce, infringement of the '706 Patent.

12. Upon information and belief, GroundRez will continue to infringe the '706 Patent unless enjoined by this Court.

13. GGA is entitled to recover from GroundRez all damages sustained by GGA as a result of GroundRez's wrongful acts, including, without limitation, not less than a reasonable royalty, in an amount subject to proof at trial.

14. Upon information and belief, GroundRez has had actual knowledge of the '706 Patent prior to commencement of this action. GroundRez's infringement of the '706 Patent has been and continues to be willful and deliberate.

DEMAND FOR JURY TRIAL

15. GGA hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, GGA prays that the Court order the following relief:

- A. A judicial determination and declaration that the '706 Patent is valid and enforceable;
- B. A judicial determination and declaration that GroundRez infringes the '706 Patent and that this infringement is willful;
- C. An order preliminarily and permanently enjoining GroundRez, its directors, officers, shareholder, employees, attorneys, agents, and all persons in active concert or participation with any of the foregoing from further acts of infringement of the '706 Patent;
- D. An order that requires GroundRez to file with this Court, within thirty (30) days after entry of final judgment, a written statement under oath setting forth in detail the manner by which GroundRez has complied with the injunction;
- E. Damages resulting from infringement of the '706 Patent by GroundRez in an amount to be determined at trial and the trebling of such damages due to the willful nature of the infringement;
- F. A declaration that this case is exceptional pursuant to 35 U.S.C. § 285 and an award of attorneys' fees and costs;
- G. An award of interest;
- H. An award of costs; and
- I. Such other and further relief as the Court deems just and proper.

Dated: September 24, 2008

Respectfully submitted,

/s/ Christopher M. Joe

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